

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIZABETH ABRAMS and DORE ABRAMS, as Parents and Natural Guardians of A.A., and ELIZABETH ABRAMS and DORE ABRAMS, Individually; ARELIS ARAUJO and LUIS ARAUJO, as Parents and Natural Guardians of Z.A., and ARELIS ARAUJO and LUIS ARAUJO, Individually; JHOANA JUCA and VICTOR ARTEAGA, as Parents and Natural Guardians of K.A., and JHOANA JUCA and VICTOR ARTEAGA, Individually; DONNA CORNETT and JOHN BURGESS, as Parents and Natural Guardians of J.B., and DONNA CORNETT and JOHN BURGESS, Individually; EILEEN MENDEZ, as Parent and Natural Guardian of A.C., and EILEEN MENDEZ, Individually, YVONNE DAVIS, as Natural Guardian of O.C., and YVONNE DAVIS, individually; CLAUDIA RIVAS, as Parent and Natural Guardian of S.C., and CLAUDIA RIVAS, individually; BRENDA MELENDEZ, as Parent and Natural Guardian of J.C., and BRENDA MELENDEZ, Individually; CAROLYN MASON, as Parent and Natural Guardian of A.D., and CAROLYN MASON, Individually; PATRICK DONOHUE, as parent and Natural Guardian of S.J.D., And PATRICK DONOHUE, Individually; NEYSHA CRUZ as Parent and Natural Guardian of O.F., and NEYSHA CRUZ, Individually; PIEDAD ANGAMARCA, as Parent and Natural Guardian of J.G., and PIEDAD ANGAMARCA, Individually; JANICE TORRES and ABDON LOPEZ, as Parents and Natural Guardians of A.L., and JANICE TORRES and ABDON LOPEZ, Individually; NAHOKO MIZUTA and KENTARO MIZUTA, as Parents and Natural Guardians of Y.M., and NAHOKO MIZUTA and KENTARO MIZUTA, Individually; YARELY MORA and LUIS NUNEZ, SR., as Parents and Natural Guardians of L.N., and YARELY MORA and LUIS NUNEZ, SR., Individually; SHANNON THOMASON and VINNIE PENNA, as Parents and Natural Guardians of E.P., and SHANNON THOMASON AND VINNIE PENNA, Individually; and ALEXANDRA VERA-FIALLOS as Parent and Natural Guardian of L.F., and ALEXANDRA VERA-FIALLOS, Individually;

NOTICE OF REMOVAL

Supreme Court of the
State of New York

County of New York

Index No. 154675/2020

Case No. 20 CV 5085

Plaintiffs,

-against-

RICHARD CARRANZA, in his official capacity as the Chancellor of the New York City Department of Education, and the NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendants.

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TO THE CLERK OF COURT:

TAKE NOTICE that Defendants Richard Carranza and the New York City Department of Education (collectively, “DOE”), by their attorney, James E. Johnson, Corporation Counsel of the City of New York, in accordance with 28 U.S.C. §§ 1441(a), (c), and 28 U.S.C. § 1446, respectfully state as follows:

1. DOE hereby removes the above-captioned action from the Supreme Court of the State of New York, County of New York, where it is assigned Index Number 154675/2020.

2. Plaintiffs filed a Summon and a Complaint, dated June 23, 2020, with the Supreme Court of the State of New York, County of New York, on or about June 24, 2020. This matter was assigned Index No. 154675/2020. A true and accurate copy of the Summons and Complaint is attached hereto as **Exhibit A**.

3. The New York City Law Department, DOE’s appointed agent for service of process, was served with the Summons and Complaint on July 2, 2020.

4. Pursuant to 28 U.S.C. § 1446(b), this Notice is filed within thirty days of service of the Summons and Complaint upon DOE.

5. The aforementioned Summons and Complaint, attached hereto as Exhibit A, constitute all of the papers that have been filed in the Supreme Court of the State of New York, County of New York, under Index Number 154675/2020.

6. This Court has original jurisdiction of this action as described in 28 U.S.C. § 1441(a) and (c) because, *inter alia*, the Complaint alleges that DOE has violated Plaintiffs' rights under the "pendency" or "stay put" provision of the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1415(j). Ex. A, Compl., at ¶ 146.

7. This action is thus within the subject matter jurisdiction of this Court. 28 U.S.C. § 1331; *see also* Compl., at ¶ 1 ("The instant case arises under a federal statute . . .").

8. All defendants to this action consent to its removal.

9. DOE will promptly give notice of this Notice of Removal to Plaintiffs and to the Supreme Court of the State of New York, County of New York, in accordance with 28 U.S.C. § 1446(d).

10. DOE expressly reserves, without limitation, any and all potential claims and/or defenses it may assert, interpose, or otherwise raise in this action.

WHEREFORE, Defendants Richard Carranza and the New York City Department of Education hereby remove the above-captioned action, now pending in the Supreme Court of the State of New York, County of New York, therefrom to this Court.

Dated: July 2, 2020
New York, New York

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By: /s/ David S. Thayer
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To: ***Via First-Class Mail***
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